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EXAMINER

HARRIS, STEPHANIE N

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 06/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,140

Applicant(s)

COFFIELD ET AL.

Examiner

Stephanie N. Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, 3, 6, 9, 11, 15, 17, 19, and 20 are rejected under 35

U.S.C. 102(b) as being anticipated by Gregory (USPN 6254490).

Gregory discloses a back for a chair comprising a fabric panel (28) and a carrier (30) extending around the periphery of and fastened to edges of the fabric panel as seen in Figures 2 and 6. The carrier is configured to be directly attached along a bottom edge to a portion of a transverse first frame member of the chair back frame (16). Connectors (31) as seen in Figure 4, are used for the direct attachment. The carrier is also configured to be secured along two upper corners to another portion of the chair back frame (50) via connectors (31) as seen in Figure 4. Gregory discloses the fabric (28) is of open mesh construction (Col. 2, lines 33-36).

Regarding claim 19, the carrier (30) has opposed upper corners as seen in Figure 5. The carrier is configured to be secured at the two upper corners to two generally vertically extending supports of chair back frame (16) as seen in Figure 5.

Regarding claim 20, the carrier is configured to be directly attached along substantially the entire bottom edge to a chair back frame as seen in Figure 4. Connectors (31) as seen in Figure 4, are used for the direct attachment.

Regarding claim 9, the carrier (30) is attached along its bottom edge to a transverse member (50) as seen in Figures 4 and 5. The transverse member is part of the chair back (Col. 2, line 67- Col. 3, line 2).

Regarding claims 6, 11, and 17, Gregory discloses a back for a chair comprising a fabric panel (28) and a bendable carrier (30) extending around the periphery of and fastened to edges of the fabric panel (28) as seen in Figure 2. The carrier can be fastened along a bottom edge to a first frame member (50) of the chair. Inherently when a flexible member is connected to a rigid member they form a flexible joint means. Therefore, flexible joint means are shown at opposed upper corners of the carrier as seen in Figure 4. The joint means are configured to be connectable (31) to the upper portions of a second frame member (16). The carrier (30) is a two-piece structure and edges of the fabric (28) are clamped between two pieces as seen in Figures 2 and 4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 8, 12, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregory in view of Pile (USPN 3008764).

Gregory has been described above noting Figures 2 and 4. Gregory shows all of the teachings of the claimed invention but fails to show the use of a ball and socket connection between the carrier and the chair frame.

Pile discloses a carrier that is configured with an aperture (44) that receives a portion of a ball (30) that is formed on a chair back frame (28) as seen in Figure 2. A retainer is secured to the carrier to form a socket (24) for retaining each of the balls (30) as seen in Figure 4. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the connection between the carrier and the chair frame of Gregory with the ball and socket connection, as shown by Pile, to allow the carrier and chair frame to be easily disengaged and reengaged.

Claims 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregory in view of Stumpf et al. (USPN 6059368).

Gregory has been described above. Gregory shows all of the teachings of the claimed invention but fails to show the use of glue to secure fabric edges in the carrier. Stumpf et al. discloses that glue can be used to retain the fabric edges in the carrier (Col. 20, lines 39-43). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the carrier of Gregory

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with the glue, as shown by Stumpf et al., in order to provide a more secure fastening means for the fabric.

Claims 4, 5, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregory in view of Stumpf et al. (USPN 6035901).

Gregory discloses the fabric (28) is of open mesh construction (Col. 2, lines 33-36). Gregory shows all of the teachings of the claimed invention but fails to show the use of woven monofilaments and multifilaments. Stumpf et al. discloses the use of a chair back with woven monofilaments and multifilaments (Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the fabric of Gregory with the fabric comprised of woven monofilaments and multifilaments, as shown by Stumpf et al., in order to facilitate air circulation to minimize heat buildup for the occupant of the chair.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gregory in view of Knoblock (USPN 5725277).

Regarding claim 10, Gregory shows all of the teachings of the claimed invention but fails to show the carrier being secured to a transverse member by screws. Knoblock discloses a carrier (4) that is secured to a transverse member (77) by screws (160) as seen in Figure 4. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the carrier of Gregory with the screws, as shown by Knoblock, in order to provide a more secure connection between the carrier and the transverse member.

Response to Arguments

Applicant's arguments filed on March 25, 2003 have been fully considered but they are not persuasive.

In response to Applicant's argument that the frame of Gregory is not directly attached, the Examiner respectfully disagrees. Connectors (31) are used to secure the direct connection between the carrier and the chair back frame. The use of connectors does not negate a direct attachment. The use of connectors for a direct attachment is also used between upper corners of the carrier and top portions of the chair back frame.

In response to Applicant's argument that Gregory does not disclose the carrier being attached along its bottom edge to a transverse member, the Examiner respectfully disagrees. The carrier is attached to transverse member (50) as seen in Figures 4 and 5. Element 50 is part of the chair back as well as frame (16).

In response to Applicant's argument that Gregory does not disclose a bendable carrier, the Examiner is of the opinion that the frame of Gregory can be bended, and is therefore a bendable carrier.

In response to Applicant's argument that, Gregory does not disclose flexible joint means at opposed corners of the carrier, the Examiner respectfully disagrees. As noted in the above rejection, inherently when a flexible member is connected to a rigid member they form a flexible joint means. Therefore, flexible

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joint means are shown at opposed upper corners of the carrier as seen in Figure 4.

In response to Applicant's argument that neither Gregory nor Pile discloses two upper corners of a carrier that are configured with an aperture or at least one retainer secured to the carrier to form a socket, the Examiner respectfully disagrees. Pile disclose apertures (44) at two upper corners of a carrier. Pile also discloses a retainer that is formed of a socket (24) to retain balls (30) as seen in Figure 4. The socket (24) is used as a retainer as disclosed by Pile.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie N. Harris whose telephone number is 703-305-1838. The examiner can normally be reached on Monday-Friday from 9am to 5pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

SNH

June 2, 2003


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600